



## July 2009 Rules Agenda

This report details current and anticipated rulemaking activities for the Department of Health (DOH) and the State Board of Health (SBOH). If you have any questions regarding this report or Department of Health rulemaking activities, please contact Tami Thompson at (360) 236-4044. If you have any questions regarding State Board of Health rulemaking activities please contact Craig McLaughlin at (360) 236-4106.

This agenda is for information purposes, and the noted dates of anticipated rulemaking actions are estimates. Any errors in this agenda do not affect the rules and rulemaking notices filed with the Office of the Code Reviser and published in the Washington State Register. There may be additional DOH rulemaking activities that cannot be forecasted as the Department initiates rulemaking to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "Key" at the end of the tables for explanations of terms and acronyms.

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: July 28, 2009  
TIME: 4:00 PM

**WSR 09-16-052**

## State Board of Health Rule Making

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 28A.165.025	State Board of Health	Chapter 246-760 WAC - Vision Screening in Schools	Anticipate Filing 12/2009				CFH-TERESA COOPER (360) 236-3530
RCW 28A.210.140	State Board of Health	WAC 246-105-040 Requirements based on national immunization guidelines			Anticipate Filing 12/2009		CFH – JEFF WISE (360) 236-3483
RCW 43.20.050	State Board of Health	WAC 246-100-011 HIV AIDS Partner Notification	08-21-034 10/08/2008	Anticipate Filing 12/2009			CFH-JOHN PEPPERT (360) 236-3427
RCW 43.20.050	State Board of Health	WAC 246-100-191, Animals, birds, pets - Measures to prevent human disease. WAC 246-100-201, Birds - Measures to prevent psittacosis.	07-10-117 5/2/2007	Anticipate Filing 1/2010			EH - LIZ DYKSTRA (360) 236-3223
RCW 43.20.050	State Board of Health	Chapter 246-101 WAC, Notifiable Conditions	Anticipate Filing 12/2009				EHSPHL-PAMELA LOVINGER (360) 236-4225
RCW 43.20.050	State Board of Health	Chapter 246-260 WAC, Water Recreation Facilities, and chapter 246-262 WAC, Recreational Water Contact Facilities	Proposal is Exempt under RCW 34.05.310(4)	Anticipate Filing by 10/2009			EH – MARK SOLTMAN (360) 236-3366

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RCW 43.20.050	State Board of Health	Chapter 246-272A WAC - On-site Sewage Systems. This rulemaking will explore creation of a process for the approval and state registration of drain field remediation technologies. The State Board of Health does not currently regulate remediation technologies.	06-12-108 6/7/2006	Anticipate Filing 12/2009			EH – MELISSA MCEACHRON (360) 236-3265
RCW 43.20.050	State Board of Health	Chapter 246-272C WAC - A new chapter establishing standards for sewage (septic) tanks. WSR 04-03-010 listed standards for Large On-site Sewage Systems (LOSS) and sewage tanks	06-06-051 2/28/2006	Anticipate Filing 08/2009			EH – MELISSA MCEACHRON (360) 236-3265
RCW 43.20.050	State Board of Health (delegated to Department of Health)	Chapter 246-290 WAC, Group A Public Water Supplies - Stage 2	08-17-074 08/19/2008	09-10-091 05/06/2009		Anticipate filing by 10/2009 with effective date of 1/04/2010	EH – MICHELLE AUSTIN (360) 236-3156
RCW 43.20.050	State Board of Health	Chapter 246-290 WAC, Group A Public Water Supplies – Lead & Copper	09-15-040 01/08/2009	Anticipate Filing by 7/20/2010			EH – THERESA PHILLIPS (360) 236-3147
RCW 43.20.050, 70.119A.080	State Board of Health (delegated to Department of Health)	Chapter 246-290 WAC, Group A Public Water Supplies – Groundwater	07-24-072 12/04/07	Anticipate Filing 7/2010			EH – THERESA PHILLIPS (360) 236-3147
RCW 43.20.050	State Board of Health	Chapter 246-291 WAC, Group B Public Water Supplies	07-14-147 7/5/2007	Anticipate Filing by 08/2010			EH - THERESA PHILLIPS (360) 236-3147

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RCW 43.20.050	State Board of Health	Chapter 246-366 WAC, Primary and Secondary Schools	04-20-050 10/1/2004	08-15-174 07/23/2008 Supplemental filing 09-14-136 07/01/2009		Anticipate Filing 12/2009	SBOH – NED THERIEN (360) 236-4103
RCW 43.20.050	State Board of Health	Chapter 246-390 WAC, Drinking Water Laboratory Certification	06-23-077 11/13/2006	On hold			EH - THERESA PHILLIPS (360) 236-3147
RCW 70.24.130	State Board of Health	WAC 246-100-202 Special Diseases-Sexual Transmitted Duties and Authorities	08-24-036 11/25/2008	09-11-110 05/19/09		Anticipate filing 12/2009	CFH - BAT-SHEVA STEIN (360) 236-3582
RCW 70.58.055	State Board of Health	WAC 246-491-039 Confidential Information on Washington birth/fetal certificates	Anticipate Filing by 09/2009				EHSPHL-PAMELA LOVINGER (360) 236-4225
RCW 70.62.240	State Board of Health	Chapter 246-360 WAC Transient Accommodations	07-14-148 7/5/2007				HSQA –JOHN HILGER (360) 236-2929
Chapter 41, Laws of 2009	State Board of Health	Chapter 246-762 WAC Scoliosis Screening in School Districts			Anticipate Filing CR-105 by 08/2009		SBOH- TARA WOLFF (360) 236-4101

## Department of Health

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.35.161	Board of Hearing and Speech	WAC 246-828-XXX Prohibiting the use of the title "Audioprosthologist"	09-11-116 5/20/2009				JENETTE BENHAM (360) 236-4857
RCW 18.35.161 Chapter 301, Laws of 2009)	Board of Hearing and Speech	Chapter 246-828 WAC, Hearing and Speech, amending the chapter to add the requirements, including the fees, for the new Speech and Language Pathology Assistant profession and for general housekeeping changes.	09-15-114 07/17/2009				JENETTE BENHAM (360) 236-4857
RCW 18.52.071	Board of Nursing Home Administrators	WAC 246-843-010, 070, 071, 073, 090, 093, 095, 230 and 231 - Application for Initial License and endorsement	06-12-109 6/7/2006				HSQA – KENDRA PITZLER (360) 236-4723
RCW 18.130.050, 18.57.005, 18.57A.020	Board of Osteopathic Medicine and Surgery	Chapter 246-853 WAC - Osteopathic Physicians; 246-854 WAC - Osteopathic Physician Assistants - Sedation and Anesthesia	07-16-141 8/1/2007				HSQA – ERIN OBENLAND (360) 236-4945
RCW 18.130.050, 18.57.005, 18.57A.020	Board of Osteopathic Medicine and Surgery	Chapter 246-853 WAC (osteopathic physician); Chapter 246-854 WAC (osteopathic physician assistant). Delegation and Supervision of Non-Surgical Cosmetic Procedure	07-16-143 8/1/2007				HSQA – ERIN OBENLAND (360) 236-4945

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
Chapter 18.64 RCW	Board of Pharmacy	WAC 246-870-060					HSQA – DOREEN BEEBE (360) 236-4834
RCW 18.64.005	Board of Pharmacy	WAC 246-869-090 Prescription Transfers	Expedited Rule Making notice filed under RCW 34.05.353		09-06-018 02/20/2009	Anticipate Filing 08/2009	HSQA-DOREEN BEEBE (360) 236-4834
RCW 18.64.005	Board of Pharmacy	Chapter 246-886 WAC Animal Control-Legend Drug Sodium Pentobarbital	09-11-049 05/13/2009	Anticipate Filing by 12/2009			HSQA – DOREEN BEEBE (306) 236-4834
RCW 18.64.005	Board of Pharmacy	New Chapter 246-852 WAC Genetic Counselors	Anticipate Filing 08/2009				HSQA DOREEN BEEBE (360) 236-4834
RCW 18.64.005(7)	Board of Pharmacy	WAC 246-865-060 Extended Care Facility - Pharmaceutical Services. Allowing pharmacies to register as a controlled substance registrant to receive outdated, discontinued, or unwanted controlled substance prescription from extended care facilities.	04-21-078 10/20/2004				HSQA - LISA HODGSON (360) 236-2927
RCW 18.64.005(7), 69.50.201	Board of Pharmacy	WAC 246-887-170 - Regulations Implementing the Uniform Controlled Substances Act. Placement of the substance, carisoprodol, in schedule IV of the Uniform Controlled Substances Act.	03-09-124 4/23/2003	Anticipate Filing by 08/2009			HSQA - LISA HODGSON (360) 236-2927

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RCW 18.64.005, 18.64.165	Board of Pharmacy	New chapter 246-874 WAC Pharmaceutical Services -- Correctional Facilities. The Board of Pharmacy is considering developing rules that will establish minimum enforceable requirements specifically for Washington correctional facilities in safe handling, storage, recordkeeping and administration of pharmaceuticals.	07-14-145 7/5/2007				HSQA - DOREEN BEEBE (360) 236-4834
RCW 18.64.005, 69.41.075	Board of Pharmacy	WAC 246-883-020 Identification of Legend Drugs	09-15-061 07/10/2009				HSQA- DOREEN BEEBE (360) 236-4834
RCW 18.25.0171 18.130.050 (1) (12)	Chiropractic Quality Assurance Commission	Chapter 246-808 WAC Chiropractic Quality Assurance Commission (CQAC) is considering amending the documentation of care rule. In addition, CQAC may amend the continuing education rule as well.	07-20-038 9/25/2007	Anticipate Filing 12/2009			HSQA - LEANN YOUNT (360) 236-4856
RCW 18.32.040,	Dental Quality Assurance Commission	Issuance of Dental Limited Licenses – Residency Programs					HSQA - JENNIFER SANTIAGO (360) 236-4893
RCW 18.36A.060	Department of Health	WAC 246-836-080 Continuing Competency Program Requirements for Naturopathic Physicians	08-17-041 08/14/2008				HSQA- SUSAN GRAGG (360) 236-4941

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Chapter 18.84 RCW	Department of Health	Chapter 246-926 WAC Radiologist Assistants an Advanced Level Radiological Technologist	08-17-040 08/14/2008	Anticipated filing date 10/2009			HSQA-SUSAN GRAGG (360) 236-4941
Chapters 18.88A RCW 74.39 RCW New chapter within Title 18 RCW	Department of Health	Chapter 246-XXX WAC – Creating a new chapter to establish certification requirements for Home Care Aides	09-07-053 03/11/2009				HSQA – KENDRA PITZLER (360) 236-4723
Chapter 18.135 RCW Chapter 43, Laws of 2009	Department of Health	Chapter 246-826 WAC – amending the chapter to expand the scope of practice for health care assistants to administer certain medications	09-15-189 7/22/2009				HSQA – ERIN OBENLAND (360) 236-4945
RCW 43.70.040, 70.38.135	Department of Health	WAC 246-310-XXX Hospital Acute Care Bed Methodology	Anticipate Filing 09/2009				HSQA –JOHN HILGER (360) 236-2929
RCW 43.70.110, 43.70.040	Department of Health	Chapter 246-314 WAC Revising the Construction Review Services Standards	Anticipate Filing by 09/2009				HSQA –JOHN HILGER (360) 236-2929
RCW 43.70.120 And Chapter 215, Laws of 2008	Department of Health	WAC 246-780-001 through 246-780-060 Farmers Market Nutrition Program (FMNP)	08-19-012 09/04/2008				CFH- JANICE BODEN (360) 236-3610
RCW 43.70.120 and 7C.F.R. 246	Department of Health	WAC 246-790-060 Women, Infant, and Children's Nutrition Program Authorized Foods	08-16-036 07/29/2008	Anticipate Filing 12/2009			CFH- JANICE BODEN (360) 236-3610



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RCW 43.70.150, Chapter 70.58 RCW	Department of Health	WAC 246-XXX Electronic Death Registration System (EDRS)	07-08-051 3/29/2007				EHSPHL - PHILIP FREEMAN (360) 236-4330
RCW 43.70.250	Department of Health	WAC 246-282-990, Sanitary Control of Shellfish – fees	09-15-187 07/22/2009	Anticipate filing by 09/2009			EH – BRANDY BRUSH (360) 236-3342
RCW 43.70.259, 43.70.280	Department of Health	WAC 246-919-990, -918-990 Physician and Surgeon and Physician Assistant Fees	Proposal is Exempt under RCW 34.05.310(4)	09-13-088 06/16/2009		Anticipate Filing 08/2009	HSQA-DIANNA STALEY (360) 236-4997
RCW 43.70.340	Department of Health	WAC 246-358-990 Temporary Worker Housing Fee, WAC 246-359-990 Temporary Worker Housing Construction Standard Fees, WAC 246-361-990 Cherry Harvest Camp Fees	07-17-171 8/22/2007				HSQA –JOHN HILGER (360) 236-2929
RCW 64.44.070	Department of Health	Chapter 246-205 WAC Decontamination of Illegal Drug Manufacturing Storage Sites	Proposal is Exempt under RCW 34.05.310(4)	Anticipate Filing by 09/2009			EH-MARK SOLTMAN (360) 236-3366
Chapter 70, Laws 2007	Department of Health	New chapter 246-XXX WAC relating to certification of animal massage practitioners	07-18-016 8/24/2007				HSQA – JUDY HANEKE (360) 236-4828
RCW 70.54.340	Department of Health	Chapter 246-145 WAC – amending the chapter to adopt sterilization and infection control requirements which will be enforced by the Department of Licensing.					OS – PATTI RATHBUN (360) 236-4067

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 70.98.050	Department of Health	Chapter 246-231 WAC, Packaging and Transportation of Radioactive Material, and Chapter 246-240 WAC Radiation Protection – Medical Use of Radioactive Material	Proposal is Exempt under RCW 34.05.310 (4)	Anticipate filing by 09/2009			EH – TRACI BLACK (360) 236-3259
RCW 70.98.050	Department of Health	Chapter 246-247 WAC - Radiation Protection - Air Emission	05-12-140 6/1/2005				EH – TRACI BLACK (360) 236-3259
RCW 70.98.050	Department of Health	Chapter 246-255A, Dental X-Ray Radiation Safety and Diagnostic Imaging Quality Standards	Anticipate Filing 8/2009				EH- TRACI BLACK (360) 236-3259
Chapter 70.185 RCW	Department of Health	Chapter 246-562 WAC, J-1 Physician Visa Waiver regulations	08-14-077 6/26/2008	Anticipate Filing by 12/2009			HSQA - JENNEL PRENTICE (360) 236-2814
Chapter 70.225 RCW	Department of Health	Title 246 WAC - Adding new chapter for Prescription Monitoring Program (PMP)	08-15-085 7/16/2008	Note: rulemaking is suspended at this time.			HSQA - DOREEN BEEBE (360) 236-4834
Chapter 70.54 RCW	Department of Health	Chapter 246-102 WAC Cancer Registry	09-15-186 7/22/09				CFH-KATIE GOLUB (360) 236-3624
RCW 70.118B.040	Department of Health	Chapter 246-272B WAC - Large On-site Sewage System (LOSS) Regulations	08-03-065 01/14/2008	Anticipate Filing 12/2009			EH - KELLY COOPER (360) 236-3012
RCW 70.168.050, 70.168.060	Department of Health	WAC 246-976-485 through Section-887 EMS & Trauma System's Trauma Service Designation Rules for Adult and Pediatric Trauma Care	08-18-039 08/28/2008	Anticipate Filing by 08/2009			HSQA- MAURA CRAIG (360) 236-4987

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 70.168.060, 70.168.090	Department of Health	Trauma Registry Standards: WAC 246-976-420, Trauma Registry - - Department Responsibilities WAC 246-976-430, Trauma Registry - - Provider Responsibilities	06-02-086 1/4/2006	Anticipate Filing 09/2009			HSQA - KATHY SCHMITT (360) 236-2869
RCW 90.46.015	Department of Health	Chapter 246-XXX WAC, Greywater	09-15-188 07/22/09	Anticipate filing by 07/2010			EH – MARYANNE GUICHARD (360) 236-3391
RCW 18.130.050, 18.71.017, 18.71A.020	Medical Quality Assurance Commission	Chapter 246-919 (Physicians) WAC and chapter 246-918 WAC (Physician assistants). Delegation and Supervision of Non Surgical Cosmetic Procedures	07-08-103 4/4/2007	Anticipate Filing by 12/2009			HSQA - BEVERLY THOMAS (360) 236-4788
RCW 18.130.050, 18.71A.020	Medical Quality Assurance Commission	New Sections in chapter 246-918 WAC Safe and Effective Analgesia and Anesthesia Administration in Office-Based Surgery Settings as it applies to Physician Assistants.	07-23-125 11/21/2007				HSQA - BEVERLY THOMAS (360) 236-4788
RCW 18.71.017	Medical Quality Assurance Commission	WAC 246-919-601 Safe and Effective Analgesia and Anesthetic Administration in Office-Based Surgical Settings. The Commission is considering proposed rules for physicians who perform surgery within their offices	07-03-178 1/24/2007	Anticipated Filing by 12/2009			HSQA - BEVERLY THOMAS (360) 236-4788

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.79.010, 18.79.110	Nursing Care Quality Assurance Commission	WAC 246-840-XXX. New rule for the Nursing Care Quality Assurance Commission mandatory continuing competency for licensed nurses.	08-13-092 6/18/2008				HSQA – TERRY WEST (360) 236-4712
RCW 18.59.090, 18.130.050	Occupational Therapy Practice Board	WAC 246-847-030 Occupational therapists acting in a consulting capacity; WAC 246-847-055 Initial application for individuals who have not practiced within the past four years; WAC 246-847-068 Expired license; WAC 246-847-070 Inactive credential; WAC 246-847-125 Applicants currently licensed in other states or territories and WAC 246-847-XXX Renewal for those that have not practiced in four years	08-15-088 7/17/2008	Anticipated filing by 12/2009			HSQA – JANETTE BENHAM (360) 236-4857
RCW 18.22.015 18.130.050	Podiatric Medical Board	Chapter 246-922 WAC - creating rules on the administration of sedation and anesthesia in the offices of podiatric physicians. The rulemaking may include necessary training and equipment requirements for podiatric physicians to perform office-based surgery	07-16-139 8/1/2007	Anticipated Filing by 12/2009			HSQA – ERIN OBENLAND (360) 236-4945
RCW 18.22.015 18.130.050	Podiatric Medical Board	WAC 246-922-010 Definitions; adding new sections to chapter 246-922 WAC to establish standards for prescribing orthotic devices by podiatrists	07-16-140 8/1/2007	Anticipated Filing by 12/2009			HSQA – ERIN OBENLAND (360) 236-4945

RCW or Session Law	Authority	WAC and Rule Title	101 Filing WSR # and Date	102 Filing WSR # and Date	105 Filing WSR # and Date	103 Filing WSR # and Date	Program Staff Contact
RCW 18.92.030	Veterinary Board of Governors	New section 246-935-XXX WAC - Identification of Veterinary Technician standard tasks and procedures that must be included in the experience of a person who qualifies to take the veterinary technician examination through a period of practical experience.	07-16-142 8/1/2007	Anticipated Filing 12/2009			HSQA - JUDY HAENKE (360) 236-4828

### **KEY**

**CR** means “Code Reviser” on the notice forms created by the Office of the Code Reviser for use by all state agencies.

**CR-101** is a Preproposal Statement of Inquiry filed under RCW 34.05.310.

**CR-102** is a Proposed Rule Making notice filed under RCW 34.05.320 or 34.05.340.

**Proposal is Exempt under RCW 34.05.310(4)** means a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

**CR-105** is an Expedited Rule Making notice filed under RCW 34.05.353. This is an accelerated rule adoption process with no public hearing required.

**CR-103** is Rule Making Order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

**EMERGENCY** rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103 Rule Making Order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for 120 days after the filing date, and may be extended in certain circumstances.

**Dashed cells in tables** mean the anticipated filing date is not known at the time this rules agenda is filed.

**Blank cells in tables** mean the anticipated filing date is not known at the time this rules agenda is filed.

**TBD- To Be Determined** is when a date is still being discussed

**RCW** is the Revised Code of Washington

**WAC** is the Washington Administrative Code

**WSR** number is the Washington State Register official filing reference number given by the Office of the Code Reviser when a notice is filed.

**DOH** is the Department of Health

**HSQA** is the Health Systems Quality Assurance division

**EH** is the Environmental Health division

**EHSPHL** is the Epidemiology Health Statistics and Public Health Labs division

**CFH** is the Community Family Health division

**SBOH** is the State Board of Health